



June 1, 2007

Mr. Aaron Goldschmidt
Assistant Division Chief
Spectrum and Competition Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: WT Docket No. 01-309
Notification of Substantial Compliance with Section 20.19(d)(2)
and Request for Limited Waiver**

Dear Mr. Goldschmidt:

This letter responds to your correspondence of May 24, 2007, in which you asked SunCom Wireless, Inc. ("SunCom") to provide an update regarding the status of its compliance with certain aspects of the Commission's hearing aid compatibility ("HAC") rules. As noted in your correspondence, SunCom filed a petition for waiver on September 15, 2006, seeking additional time to comply with the September 18, 2006 deadline for making available to customers at least two handsets rated at "T3" or above for inductive-coupling ("T-coil") compatibility. 1/ SunCom filed subsequent amendments to its waiver petition, ultimately seeking until May 15, 2007 to become compliant with this requirement. 2/ As detailed below, SunCom is now in compliance with this requirement with regard to the vast majority of its retail outlets, 3/ but seeks a limited waiver until June 6, 2007, with regard to 25 of its stores for which a second T3-rated handset is currently in transit.

SunCom provides service to subscribers in North Carolina, South Carolina, Virginia, Tennessee, Georgia and Puerto Rico. As of May 10, 2007, SunCom's stores in the mainland United States had two T3-rated handsets available for purchase: the Sony Ericsson W710 (FCC ID: PY7AF052041) and the Nokia 6085 (FCC ID: LJPRM-198H). In addition, subscribers may purchase the Motorola RAZR V3i (FCC ID: IHDT56EU1) from the SunCom website as a third alternative.

Despite the successful distribution of two T3-rated handsets throughout the mainland U.S. markets, SunCom's regulatory compliance personnel recently learned that SunCom's stores in Puerto Rico had not yet received shipments of the Nokia 6085, although the T3-rated Motorola

1/ See 47 C.F.R. § 20.19(d)(2).

2/ See SunCom Wireless, Inc. Amendment to Petition for Waiver of Section 20.19(d)(2) of the Commission's Rules, WT Docket No. 01-309 (filed Mar. 30, 2007).

3/ SunCom's stores in the mainland U.S. represent nearly 80% of SunCom's total stores.

Despite the successful distribution of two T3-rated handsets throughout the mainland U.S. markets, SunCom's regulatory compliance personnel recently learned that SunCom's stores in Puerto Rico had not yet received shipments of the Nokia 6085, although the T3-rated Motorola RAZR V3i (FCC ID: IHDT56EU1) has been available in those stores since September 20, 2006. The Nokia 6085s destined for SunCom's Puerto Rico market are procured under a separate contract from those intended for the mainland markets, due to the fact that SunCom requires different software for handsets sold in Puerto Rico. As one example, the "wake-up banner" (*i.e.*, what appears on the screen when the handset is turned on) is different due to the use of different branding imagery in the Puerto Rico market.

On April 26, 2007, Nokia notified SunCom staff in Puerto Rico that it required a differently-formatted version of the wake-up banner animation software that would be compatible with the 6085's screen proportions. This request came nearly two months after SunCom had provided the "RF approval" necessary for Nokia to proceed with the next phase of handset customization. Based on SunCom's experience, such a basic issue should have been discovered by the manufacturer much earlier in the process. SunCom promptly obtained the new software from its ad agency and forwarded it to Nokia on May 3, but precious time had been lost by that point. ^{4/}

Moreover, SunCom's Puerto Rico staff have experienced great difficulty in obtaining estimated delivery dates from Nokia. SunCom's efforts to obtain information from Nokia failed because – as SunCom has just learned – its Nokia representative has been on leave since the week of May 15 due to a personal emergency. As a result, it was not until this week (May 30th) that Nokia provided SunCom with a factory ship date of June 10. After adding transit and distribution time, SunCom expects these new handsets to be in the Puerto Rico stores by the end of June. However, in order to obtain a second T3-rated handset as quickly as possible for the Puerto Rico stores, SunCom is implementing an interim solution. SunCom is in the process of shipping and distributing limited quantities of the Nokia 6085 from its mainland U.S. markets to Puerto Rico. While there will be some user interface differences compared to SunCom's other handsets sold in Puerto Rico, the handsets will still function properly from a technical perspective. The handset shipment has already been dispatched to Puerto Rico and the distribution process will continue into early next week, with a completion date of no later than June 6. SunCom will promptly notify the Commission once this distribution has been completed, at which point SunCom will be fully compliant with § 20.19(d)(2). These "stateside" 6085s will then be replaced by regular quantities of the Puerto Rico-customized 6085s when those become available in late June.

^{4/} At the same time, SunCom was also investigating another functionality issue which it initially believed could be a software problem. The problem was ultimately determined not to reside in the handset, but the time required to diagnose the issue resulted in an additional two week delay.

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destined for the Puerto Rico market, SunCom is in the process, this week and early next week, of shipping and distributing a second T3-rated handset model to its stores in Puerto Rico. SunCom therefore seeks a limited waiver until June 6, 2007, to become compliant in this one remaining market.

Respectfully submitted,

SUNCOM WIRELESS, INC.

A handwritten signature in black ink, appearing to read "Eric Haskell", is written over a horizontal line.

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